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By: **Delegates Quinter and Mitchell**  
Introduced and read first time: February 13, 2004  
Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Crimes - Fourth Degree Sexual Offense - Penalty for Registrable Offender**

3 FOR the purpose of altering the penalty for a person convicted of a sexual offense in  
4 the fourth degree if the person is an offender required to register as a sexual  
5 offender for a prior crime; and generally relating to sexual crimes.

6 BY repealing and reenacting, with amendments,  
7 Article - Criminal Law  
8 Section 3-308  
9 Annotated Code of Maryland  
10 (2002 Volume and 2003 Supplement)

11 BY repealing and reenacting, without amendments,  
12 Article - Criminal Procedure  
13 Section 11-701(a), (b), (d), (f), (g), and (h) and 11-704(a)  
14 Annotated Code of Maryland  
15 (2001 Volume and 2003 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article - Criminal Law**

19 3-308.

20 (a) A person may not engage in:

21 (1) sexual contact with another without the consent of the other;

22 (2) except as provided in § 3-307(a)(4) of this subtitle, a sexual act with  
23 another if the victim is 14 or 15 years old, and the person performing the sexual act is  
24 at least 4 years older than the victim; or

1 (3) except as provided in § 3-307(a)(5) of this subtitle, vaginal  
2 intercourse with another if the victim is 14 or 15 years old, and the person performing  
3 the act is at least 4 years older than the victim.

4 (b) (1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,  
5 A person who violates this section is guilty of the misdemeanor of sexual offense in the  
6 fourth degree and on conviction is subject to imprisonment not exceeding 1 year or a  
7 fine not exceeding \$1,000 or both.

8 (2) AN OFFENDER REQUIRED TO REGISTER UNDER § 11-704 OF THE  
9 CRIMINAL PROCEDURE ARTICLE WHO SUBSEQUENTLY VIOLATES THIS SECTION IS  
10 GUILTY OF THE MISDEMEANOR OF SEXUAL OFFENSE IN THE FOURTH DEGREE AND  
11 ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE  
12 NOT EXCEEDING \$1,000 OR BOTH.

### 13 Article - Criminal Procedure

14 11-701.

15 (a) In this subtitle the following words have the meanings indicated.

16 (b) "Child sexual offender" means a person who:

17 (1) has been convicted of violating § 3-602 of the Criminal Law Article;

18 (2) has been convicted of violating any of the provisions of the rape or  
19 sexual offense statutes under §§ 3-303 through 3-307 of the Criminal Law Article for  
20 a crime involving a child under the age of 15 years;

21 (3) has been convicted of violating the fourth degree sexual offense  
22 statute under § 3-308 of the Criminal Law Article for a crime involving a child under  
23 the age of 15 years and has been ordered by the court to register under this subtitle;  
24 or

25 (4) has been convicted in another state or in a federal, military, or Native  
26 American tribal court of a crime that, if committed in this State, would constitute one  
27 of the crimes listed in items (1) and (2) of this subsection.

28 (d) "Offender" means a person who is ordered by a court to register under this  
29 subtitle and who:

30 (1) has been convicted of violating § 3-503 of the Criminal Law Article;

31 (2) has been convicted of violating § 3-502 of the Criminal Law Article or  
32 the fourth degree sexual offense statute under § 3-308 of the Criminal Law Article, if  
33 the victim is under the age of 18 years;

34 (3) has been convicted of the common law crime of false imprisonment, if  
35 the victim is under the age of 18 years and the person is not the victim's parent;

1 (4) has been convicted of a crime that involves soliciting a person under  
2 the age of 18 years to engage in sexual conduct;

3 (5) has been convicted of violating the child pornography statute under §  
4 11-207 of the Criminal Law Article;

5 (6) has been convicted of violating any of the prostitution and related  
6 crimes statutes under Title 11, Subtitle 3 of the Criminal Law Article if the intended  
7 prostitute or victim is under the age of 18 years;

8 (7) has been convicted of a crime that involves conduct that by its nature  
9 is a sexual offense against a person under the age of 18 years;

10 (8) has been convicted of an attempt to commit a crime listed in items (1)  
11 through (7) of this subsection; or

12 (9) has been convicted in another state or in a federal, military, or Native  
13 American tribal court of a crime that, if committed in this State, would constitute one  
14 of the crimes listed in items (1) through (8) of this subsection.

15 (f) "Sexually violent offender" means a person who:

16 (1) has been convicted of a sexually violent offense; or

17 (2) has been convicted of an attempt to commit a sexually violent offense.

18 (g) "Sexually violent offense" means:

19 (1) a violation of §§ 3-303 through 3-307 or §§ 3-309 through 3-312 of  
20 the Criminal Law Article;

21 (2) assault with intent to commit rape in the first or second degree or a  
22 sexual offense in the first or second degree as prohibited on or before September 30,  
23 1996, under former Article 27, § 12 of the Code; or

24 (3) a crime committed in another state or in a federal, military, or Native  
25 American tribal jurisdiction that, if committed in this State, would constitute one of  
26 the crimes listed in item (1) or (2) of this subsection.

27 (h) "Sexually violent predator" means:

28 (1) a person who:

29 (i) is convicted of a sexually violent offense; and

30 (ii) has been determined in accordance with this subtitle to be at  
31 risk of committing another sexually violent offense; or

32 (2) a person who is or was required to register every 90 days for life  
33 under the laws of another state or a federal, military, or Native American tribal  
34 jurisdiction.

1 11-704.

2 (a) A person shall register with the person's supervising authority if the  
3 person is:

4 (1) a child sexual offender;

5 (2) an offender;

6 (3) a sexually violent offender;

7 (4) a sexually violent predator;

8 (5) a child sexual offender who, before moving into this State, was  
9 required to register in another state or by a federal, military, or Native American  
10 tribal court for a crime that occurred before October 1, 1995;

11 (6) an offender, sexually violent offender, or sexually violent predator  
12 who, before moving into this State, was required to register in another state or by a  
13 federal, military, or Native American tribal court for a crime that occurred before July  
14 1, 1997; or

15 (7) a child sexual offender, offender, sexually violent offender, or sexually  
16 violent predator who is required to register in another state, who is not a resident of  
17 this State, and who enters this State:

18 (i) to carry on employment; or

19 (ii) to attend a public or private educational institution, including a  
20 secondary school, trade or professional institution, or institution of higher education,  
21 as a full-time or part-time student.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
23 effect October 1, 2004.